



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

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EPA Region VIII
Regional Hearing Clerk

CERTIFIED MAIL NO. P 818 769 068
RETURN RECEIPT REQUEST

Mr. M. D. Ensign
Executive Vice-President
Sinclair Oil Corporation
550 E. South Temple
Salt Lake City, Utah 84130-0825

Re: LARCO 3008(h) Order
EPA ID No. WYD048743009

Dear Mr. Ensign:

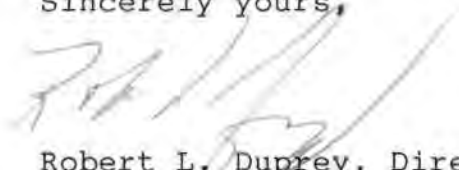
Enclosed please find a corrective action order issued pursuant to Section 3008(h) of the Resource Conservation and Recovery Act (RCRA) to Sinclair Oil Corporation's Little America Refining Company (LARCO) of Evansville, Wyoming. The Section 3008(h) order ("order") is being issued unilaterally by EPA as negotiations on the September 27, 1988, Section 3008(h) consent order failed to produce agreement between EPA and LARCO.

Please note that the order requires an evaluation of on-site and off-site releases from LARCO, and specifically includes releases to the Brookhurst residential subdivision, as well as potential releases near the evaporation ponds located north of the North Platte River. Interim measures contained in the order include installation and sampling of monitoring wells and recovery wells along the east boundary of LARCO, and in the Brookhurst residential subdivision. The interim measures outlined in the order also include continued operation of the existing on-site hydrocarbon recovery system.

In accordance with section 3008(b) of RCRA, this order becomes final and effective unless within 30 days of receipt of this letter LARCO requests a hearing. The procedures to request a hearing, as well as a discussion of hearing procedures, are found in the April 13, 1988, Federal Register. Also, the administrative record which supports the issuance of this order is available for review during normal business hours in the EPA Region 8 offices.

If you have any questions related to legal matters, please contact Alicia Hoegh of the Office of Regional Counsel at (303) 294-7570. If you have any questions pertaining to technical matters, please contact Terry Anderson at (303) 293-1790.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Rob L. Duprey', is written over the typed name.

Robert L. Duprey, Director
Hazardous Waste Management Division

Enclosure

cc: Dennis Stickley, SOC
Jim Limes, LARCO
Randy Wood, WDEQ
Dave Finley, WDEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET—SUITE 500
DENVER, COLORADO 80202-2405

RCRA UNILATERAL 3008(h) ADMINISTRATIVE ORDER
ISSUED TO
SINCLAIR OIL CORPORATION
LITTLE AMERICA REFINING COMPANY
EVANSVILLE, WYOMING

EPA ID NO. WYD048743009

December 1988

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

IN THE MATTER OF:)	ADMINISTRATIVE ORDER
)	
SINCLAIR OIL CORPORATION,)	U.S. EPA DOCKET NO.
a Wyoming corporation,)	RCRA 3008(h)-VIII-88 ⁸⁹⁻⁰⁵
LITTLE AMERICA REFINING COMPANY,)	
Evansville, Wyoming,)	
)	Proceeding under Section EPA
ID No. WYD048743009)	3008(h) of the Resource
)	Conservation and Recovery
)	Act, as amended, 42 U.S.C.
)	§6928(h).
)	
Respondent.)	

I. JURISDICTION

This Administrative Order ("Order") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §6928(h). The authority vested in the Administrator has been delegated to the Regional Administrators by EPA Delegation Nos. 8-31 and 8-32 dated April 16, 1985. This authority has been further delegated by the Regional Administrator for Region VIII to the Director of Hazardous Waste Management Division of EPA, Region VIII.

This Order is issued to Sinclair Oil Corporation, ("Sinclair"), as owner of the Little America Refining Company, Inc. (hereinafter also referred to as "LARCO", or "Facility") located in Evansville, Wyoming.

II. PARTIES BOUND

1. This Order shall apply to and be binding upon Sinclair Oil Corporation and its officers, directors, employees, agents, successors and assigns, and upon all persons, independent contractors, contractors, and consultants acting under or on behalf of Sinclair Oil Corporation.

2. No change in ownership or corporate or partnership status relating to the Facility will in any way alter Sinclair Oil Corporation's responsibility under this Order.

3. Sinclair Oil Corporation shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within one (1) week of the effective date of this Order or date of such retention, and shall condition all such contracts on compliance with the terms of this Order.

4. Sinclair Oil Corporation shall give written notice of this Order to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify EPA within thirty (30) calendar days prior to such transfer.

III. STATEMENT OF PURPOSE

The issuance of the Order requires Sinclair Oil Corporation (1) to perform Interim Measures (IM) at the LARCO Facility to mitigate potential threat(s) to human health and/or the environment from hazardous wastes and/or hazardous constituents at or from the Facility, (2) to perform a RCRA Facility Investigation (RFI) to determine fully the nature and extent of any release of hazardous waste and/or hazardous constituents at and/or from the Facility; (3) to perform a Corrective Measures Study (CMS) to identify and evaluate alternatives for the corrective action alternatives necessary to prevent or mitigate any migration or releases of hazardous wastes and/or hazardous constituents at or from the Facility; and (4) to implement the corrective measure or measures (CMI) selected by EPA at the Facility.

IV. FINDINGS OF FACT

1. Sinclair Oil Corporation is a corporation organized under the laws of the State of Wyoming, is authorized to do business in the State of Wyoming, and is a person as defined in Section 1004(15) of RCRA, 42 U.S.C. §6903(15). Sinclair Oil Corporation is the owner of the Little America Refining Company (LARCO).

2. Little America Refining Company, which is a registered tradename for Sinclair Oil Corporation, is the operator of a hazardous waste management facility located in Evansville, Wyoming, on Glenrock Highway (Figure 1). Sinclair is or has been engaged in the generation, treatment, storage, and disposal of hazardous waste at the LARCO Facility, and is subject to interim status requirements (40 CFR Part 265). Operations were begun at this site under previous ownership in the 1920s.

3. LARCO is bounded on the east by an approximate 40 foot strip of land owned by a company known as Sivalls. This strip of land is bounded by a residential subdivision known as Brookhurst. The Brookhurst subdivision was originally platted in the early 1970s. The area contains a mixture of residential land use and

industrial land use. The industrial land use area around Brookhurst contains or has contained at least 20 business operations, including LARCO as well as other petroleum refining, transport, and storage operations; petroleum services operations; natural gas proceeding operations; chemical storage and transportation operations; trucking and truck maintenance and repair operations; lumber yards; various types of construction contractors; and agricultural operations. These operations may have contributed hazardous substances, pollutants, or contaminants to the environment and some of which are under investigation by EPA for potential releases. LARCO is bounded on the west by Texaco Refinery and petroleum pipeline corridors and on the south by the Burlington Northern Railroad (Expanded Site Investigation Report, August 1987, and Community Relations Plan, Mystery Bridge Road/U.S. Highway 20 Superfund Site, Natrona County, Wyoming, November 16, 1988).

4. Sinclair owned and operated its LARCO Facility as a hazardous waste management facility on and after November 19, 1980, the applicable date which renders facilities subject to interim status requirements or the requirement to have a permit under Sections 3004 and 3005 of RCRA, 42 U.S.C. §§6924, 6925.

5a. Pursuant to Section 3010 of RCRA, 42 U.S.C. §6930, Sinclair notified EPA of its hazardous waste activity. In its notification dated on or about August 13, 1980, Sinclair identified itself as a generator of hazardous waste and an owner/operator of a treatment, storage, and disposal facility for hazardous waste at LARCO.

5b. Sinclair submitted a "Part A" application to EPA on or about November 19, 1980, in which Sinclair identified its LARCO facility as handling the following hazardous wastes, which are common at petroleum refineries, at the following hazardous waste management units:

<u>Hazardous Waste Number</u>	<u>Waste Description</u>	<u>Waste Management Unit</u>
K049	Slop Oil Emulsion Solids	Land Application
K050	Heat Exchanger Bundle Cleaning Sludge	Land Application
K051	API Separator Sludge	Land Application
K052	Leaded Tank Bottoms Weathering Pile	Land Application
D000	Unspecified (Toxic)	Surface Impoundments (API Separator Ponds)

5c. On or about September 1, 1981, Sinclair submitted a modified "Part A" permit application to EPA in which Sinclair withdrew the hazardous waste land application unit as an active unit at its LARCO Facility. Sinclair reported that no hazardous wastes were applied to the land application unit on or after November 19, 1980. In addition, hazardous waste code numbers K051, K050, and K049 were deleted. On July 11, 1984, EPA sent Sinclair a letter which stated that K051 wastes were present in the API separator ponds. The facility handles listed hazardous waste from specific sources under 40 C.F.R. §261.32.

5d. The results from analysis of the sludge contained in LARCO's API separator ponds submitted to EPA by Sinclair in its June 1984 closure plan showed chromium, in excess of 10 milligrams per liter, as determined by the Extraction Procedure Toxicity Test (EP Toxicity). Wastes which contain EP Toxicity values of chromium greater than or equal to 5 milligrams per liter are characteristic hazardous wastes as defined in 40 C.F.R. §261.24. Sinclair also reported, in the proposed June 4, 1984 Closure Plan for the LARCO Facility, that lead was present in the sludge above the EP Toxicity level. In the Part B application submitted November 5, 1985, and in a letter dated September 2, 1988, Sinclair stated that the waste was classified as K051 wastes. In a letter dated October 25, 1988, LARCO notified EPA that an analysis of the sludge was performed on June 22, 1988, which indicated that the sludge was below EP Toxicity levels for lead and chromium and other inorganic parameters.

6a. In the November 19, 1980 Part A permit application submitted to EPA, Sinclair indicated that at LARCO the storage of D000 hazardous waste occurred in two surface impoundments referred to as the API separator ponds. These ponds are unlined and are each approximately 50 feet wide by 250 feet long and average 7 feet in depth. These ponds have been in operation since about 1954 and receive approximately 200,000 gallons per day of waste water from the API separator. (Preliminary Assessment Report, Preliminary Review, Little America Refining Company (LARCO); U.S. EPA, February 1987). Figure 1 shows the location of these ponds. Figure 1 is attached hereto and is incorporated herein by reference.

6b. In a letter dated July 8, 1985, Sinclair reported that at its LARCO facility it operates three unlined ponds which are referred to as the evaporation ponds. The evaporation ponds are located approximately two miles northwest of the refinery complex north of the North Platte River which is located along the north side of the main LARCO facility (see Figure 1 attached). Waste water from the API separator pond and the water treatment ponds is pumped through a six inch pipeline across the North Platte

River to the evaporation ponds. The average flow to these ponds is approximately 200,000 gallons per day. The evaporation ponds occupy approximately 100 acres of surface area and have been in operation since 1954. During an EPA RCRA inspection conducted during May, 1987, the ponds were observed to be constructed in an area with active sand dunes.

6c. Sinclair identified its solid waste management units ("SWMUs") in a letter to EPA, dated July 8, 1985. SWMUs include areas where a facility has managed or is managing solid wastes on-site. (Note: The definitions of "Solid Waste" and "Solid Waste Management Units" are found in Section 1004 of RCRA, and in 40 CFR § 261.2, and in the July 15, 1988, Federal Register). An EPA investigation of LARCO conducted in 1987 identified other SWMUs. The following list includes SWMUs identified by EPA to date:

- o API separator ponds
- o water treatment ponds
- o evaporation ponds (north of river)
- o interceptor drain system
- o river water treatment solids area
- o old concrete areas
- o scrap steel area
- o drum storage area
- o old land farm
- o abandoned asphalt pit
- o abandoned refuse pit
- o abandoned dump site
- o interceptor trench
- o API separator
- o sewer system and pipelines
- o storage tank cleaning areas
- o heat exchanger cleaning areas
- o stained soils and standing liquid areas
- o waste transfer routes (including pipelines)

The approximate location of these units is shown on Figure 2, attached hereto and incorporated herein by reference. Information on the operation of these units may be found in the EPA document entitled: Preliminary Assessment Report, RCRA Facility Assessment, Preliminary Review, Little America Refining Company (LARCO), Evansville, Wyoming; February 1987.

6d. The site hydrogeology consists of the upper Cretaceous Mesaverde Formation, alluvial deposits associated with the North Platte River and fill material. Sandstone bodies within the Mesaverde Formation are locally utilized as aquifers. In the general vicinity of the LARCO site, the unnamed middle shale member of the Mesaverde Formation probably functions as an underlying aquitard to ground water flowing in the alluvial aquifer. The shallow alluvial aquifer under the facility is

unconfined, composed of a predominantly coarse-grained, pebbly, unconsolidated sand containing gravel beds at its base and has minimal clay stratification. It is highly permeable and conducts water readily. Local ground water flow in the alluvium is generally down-valley toward the North Platte River to the east-northeast on the south side of the North Platte River, and to the east-southeast on the north side of the North Platte River. (Preliminary Assessment Report, RCRA Facility Assessment, Preliminary Review, Little America Refining Company (LARCO), Evansville, Wyoming; February 1987).

7a. In a report entitled: Casper Texaco Refinery North Property Ground- Water Pollution Abatement Program (1984 Annual Report), Texaco, Inc., documented a rupture in LARCO's waste water pipeline that discharges into the evaporation ponds, that occurred on November 16, 1984, on Texaco's property. Samples obtained and analyzed by Texaco from the pipeline effluent showed the following levels of constituents:

<u>Hazardous Constituent</u>	<u>Concentration (Micrograms per Liter)</u>
Benzene	1,300
Ethylbenzene	120
Toluene	1,500
Naphthalene	1,200
2,4-Dimethylphenol	1,400
Phenol	5,200
Acetone	5,800
2-Butane	430
o,p-Xylene	470
m-Xylene	470
2-Methylphenol	10,000
4-Methylphenol	2,000
2-Methylnaphthalene	3,600

The evaporation ponds are unlined and are located in a sandy subsoil on the north side of the North Platte River.

7b. Beneath the API separator ponds, ground water is mounded and flows radially away from the ponds. It is estimated that wastewater in the ponds is discharging into the ground water at a rate of approximately 13 gallons per minute. (Little America Refining Special Studies - Final Report: PRC Engineering, April 11, 1986)(Incorporated by reference). The flow in the North Platte is highly variable. Stream flow in the North Platte River at the site exceeds 135 cubic feet/second (CFS) 50 percent of the time, and exceeds 28 CFS 99.9 percent of the time.

7c. Seeps of oily material along the southern bank of the North Platte River on LARCO's property prompted the installation of a hydrocarbon intercept trench and recovery system that operated from approximately July 1982 through October 1984. The location of this trench is shown in Figure 2. This hydrocarbon recovery system was upgraded in March 1985, and is currently in operation. An April 1986 ground water investigation of the site (CME) conducted by EPA showed the presence of hydrocarbons in wells surrounding the API separator ponds near the recovery system. In a report entitled "Ground-Water Monitoring At Little America Refining Company's pH Wells", dated June 1987 (prepared October 1987), prepared for LARCO by Hydro-Engineering, the presence of a floating hydrocarbon layer was also detected near the hydrocarbon intercept system. In a letter to EPA dated September 14, 1988, (section 3007 response) LARCO identified monitoring wells which contained a free-floating hydrocarbon layer. Ground water samples collected from monitoring wells located between the hydrocarbon recovery system and the North Platte River and analyzed by LARCO, showed phenol at levels up to 11.8 milligrams per liter. (Preliminary Assessment Report, RCRA Facility Assessment, Preliminary Review, Little America Refining Company (LARCO), February 17, 1987.)

7d. During the week of April 21, 1986, EPA obtained samples from ground water wells at the Facility. These wells are constructed in the shallow alluvial aquifer, and are approximately thirty feet in depth. Analysis of the samples showed the following hazardous constituents present in ground water at the LARCO property:

<u>Hazardous Constituents</u>	<u>Well Designation</u>				
	<u>MW-07</u>	<u>MW-13</u>	<u>PH-5</u>	<u>PH-5</u>	<u>PH-6</u>
Benzene	2.3	15.8	4.0	47.6	157.0
Toluene	5.4	4.1	2.1	41.7	23.2
Total xylenes	62.6	36.0	37.1	516.0	232.0
Ethylbenzene	ND	ND	16.6	66.6	13.5
1,1-Dichloroethane	ND	ND	ND	ND	3.6
Phenanthrene/anthracene	175	315	545	1440	2685
Pyrene	ND	ND	215	465	ND
Naphthalene	ND	ND	ND	450	ND
2-Methylnaphthalene	120	ND	ND	1845	300

All concentrations expressed in micrograms per liter (ug/l); (ND = Not Detected)

7e. On or about September 26, 1986, LARCO had ground water samples collected from eight "perimeter" ground water monitoring wells located on its property (see Figure 3 attached hereto and

incorporated herein by reference). Analysis of these samples performed by Sinclair at LARCO revealed the ground water from MW-2 to be contaminated with benzene, toluene, and xylene at concentrations of 4.2, 9.4, and 37.9 micrograms per liter, respectively. Sinclair resampled this well on October 7, 1988, and the second analysis showed concentrations of the same organic constituents at levels of 138.4, 58.8, and 757.0 micrograms per liter, respectively. These wells are completed in the shallow alluvial aquifer.

7f. EPA's Region VIII Emergency Response Branch installed ground water monitoring wells within the Brookhurst subdivision in the shallow alluvial aquifer depth (Figure 3). Analytical results from samples obtained from these wells during March 1987 by EPA showed the following hazardous constituents present in the ground water:

<u>Hazardous Constituents</u>	<u>EPA Well Number</u>		
	<u>1-4</u>	<u>2-4</u>	<u>2-5</u>
Benzene	5	ND	39
Toluene	ND	5	12
Naphthalene	130	16	160
2-Methylnaphthalene	240	29	110
Phenanthrene	22	ND	ND
Pentachlorophenol	ND	220	75

All concentrations expressed in micrograms per liter (ug/l); ND = not detected.

On October 10, 1987, LARCO sampled and analyzed ground water from EPA wells 1-4, 2-4, 2-5, and 2-6 in Brookhurst. Only well 2-5 showed the presence of contaminants from LARCO's October 10, 1987, sampling event.

7g. During April 10-13, 1988, EPA and its contractors sampled soil gas vapor, and interior air quality in one residence, within the Brookhurst subdivision in the vicinity of EPA wells 1-4, 2-4, and 2-5. Approximately 100 soil vapor sites were tested at a depth of 4 feet for organic compounds using an HNU portable soil gas analyzer. A map of the soil gas vapor sample sites with the total organic concentrations found at each soil vapor site is attached as Figure 4 and is incorporated herein by reference. The interior space monitoring results also indicated the presence of organic vapors. (Preliminary Report of the Brookhurst Subdivision Site; Evansville, Wyoming, April 18, 1988).

7h. On April 19, 1988, EPA issued an Order pursuant to Section 7003(a) of the Solid Waste Disposal Act, as amended by 42 U.S.C. Section 6973(a), requiring Sinclair to minimize or remove the imminent and substantial endangerment to human health and the

environment caused by a ground water plume of solid waste containing hazardous constituents flowing from LARCO into Brookhurst. The major activities required by the Section 7003 Order included interior air monitoring, soil vapor monitoring, and monitoring and recovery well installation and sampling. EPA has determined that LARCO has completed most of the requirements of the Section 7003 order.

8. Drinking water for the Brookhurst residential subdivision has been from private domestic water wells. Most of these wells are completed in the shallow (less than 50 feet deep) alluvial aquifer (Preliminary Assessment Report, RCRA Facility Assessment, Preliminary Review, Little America Refining Company (LARCO), Evansville, Wyoming; February 1987). An alternate source of drinking water from a nearby water treatment plant is currently available to all residents of Brookhurst. The LARCO facility is located along the North Platte River which serves as a drinking water supply and supports a variety of aquatic life and wildlife. The North Platte River is also used for recreational purposes including fishing, swimming and boating.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the foregoing findings of fact, and after consideration of the administrative record, the Division Director, of EPA Region VIII, has made the following determinations:

1. Sinclair Oil Corporation is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. §6903(15).

2. Sinclair Oil Corporation is the owner of the Little America Refining Company (LARCO) facility located in Evansville, Wyoming. LARCO is a registered tradename for Sinclair Oil Corporation and is the operator of a facility that has operated or is operating subject to Section 3005(e) of RCRA, 42 U.S.C. §6925(e).

3. Certain wastes and constituents thereof found at the LARCO Facility are hazardous wastes or hazardous constituents thereof as defined by Section 1004(5) of RCRA, 42 U.S.C. §6903(5), and Sections 1004(5) and 3001 of RCRA, 42 U.S.C. §6921, and 40 C.F.R. Part 261.

4. There is or has been onsite and possibly offsite release(s) of hazardous wastes and/or hazardous constituents from regulated units or SWMUs at LARCO.

5. Hazardous constituents listed in 40 CFR Part 261, Appendix VIII have been detected in the ground water under the LARCO facility and under the Brookhurst subdivision. The presence of these hazardous constituents in Brookhurst may have

resulted from releases from the regulated units or SWMUs located on the LARCO property or from other sources located in the vicinity of Brookhurst.

6. Releases of hazardous waste and hazardous constituents, which may be attributed to LARCO, continue to have the potential to migrate as vapors through soils to residences in the Brookhurst subdivision. Additionally, the releases continue to have the potential to migrate with ground water to the North Platte River.

7. The actions required by this Order are necessary to mitigate the potential adverse effects of release(s) of hazardous wastes and/or hazardous constituents to protect human health and/or the environment.

VI. WORK TO BE PERFORMED

Pursuant to Section 3008(h) of RCRA, 42 U.S.C. §6928(h), Sinclair is hereby ordered to perform the following acts in the manner and by the dates specified herein. All work undertaken pursuant to this Order shall be performed in a manner consistent with, at a minimum: the attached Scopes of Work in Attachments I (Interim Measures), II (RCRA Facility Inspection), III (Corrective Measures Study), and IV (Corrective Measures Implementation) of this Order and all of which are incorporated by reference as if fully set forth herein; RCRA and its implementing regulations; and applicable EPA guidance documents, and all applicable State statutes and regulations. Relevant EPA guidance may include, but is not limited to, the "RCRA Corrective Action Interim Measures" (OSWER Directive 9902.4, June 1988), "RCRA Corrective Action Plan" (OSWER Directive 9902.3, June 1988), "Draft RCRA Facility Investigation (RFI) Guidance" (EPA 530/SW-87-001, July 1987), "RCRA Ground Water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), and "Test Methods for Evaluating Solid Waste" (SW-846), 3rd edition and all of which are incorporated herein by reference. The geographic scope for action under this Order shall include the entire LARCO Facility plus all possible areas to which hazardous wastes or hazardous constituents from the facility could migrate, including the waste water pipeline and evaporation ponds north of the North Platte River, as well as the affected portions of the North Platte River and Brookhurst Subdivision.

INTERIM MEASURES (IM)

1. Sinclair shall perform the Interim Measures (IM) in a manner consistent with the IM Scope of Work and schedule contained in Attachment I to this Order, which is incorporated by reference as if fully set forth herein. The Interim Measures to

be undertaken by Sinclair at the LARCO Facility shall include the following:

- a. Install and sample ground water monitoring wells and soil vapor wells in the adjacent Brookhurst subdivision and along the east facility boundary which will determine the rate and extent of migration of contaminated ground water and contaminated soil vapor;
- b. Operate the existing hydrocarbon recovery system according to State requirements, and evaluate the efficiency of the system;
- c. Install and operate a ground water and soil vapor extraction and treatment system along the eastern boundary of the LARCO property and within the adjacent Brookhurst subdivision to mitigate migration of contaminated ground water across the eastern boundary of the refinery complex into the Brookhurst subdivision and to mitigate the contamination present in the ground water and soils east of the refinery complex in the Brookhurst subdivision. At a minimum, the ground water recovery system must meet the requirements of paragraph "(7)" on page 6 of the Section 7003 order issued by EPA on April 19, 1988.

The Interim Measures shall be implemented in accordance with, at a minimum, RCRA, its implementing regulations, and relevant EPA guidance documents. Relevant guidance documents include, but are not limited to: "RCRA Ground Water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986) and "RCRA Corrective Action Interim Measures" (OSWER Directive 9902.4, June 1988; and "RCRA Corrective Action Plan, "(OSWER Directive 9902.3, June 1988).

2. Within thirty (30) calendar days of the effective date of this Order, Sinclair shall submit to EPA a Workplan for the implementation of Interim Measures ("IM Workplan"). The Workplan is subject to approval by EPA and shall be performed in a manner consistent with the IM Scope of Work in Attachment I to this Order. The IM Workplan shall be developed in accordance with, at a minimum, RCRA, its implementing regulations, and relevant EPA guidance documents. Relevant guidance documents include, but are not limited to: "RCRA Ground Water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986) and "RCRA Corrective Action Interim Measures" (OSWER Directive 9902.4, June 1988).

3. The IM Workplan shall ensure that the Interim Measures are designed to mitigate a current or potential threat(s) to human health and/or the environment posed to Brookhurst residents by mitigating the discharge of contaminated ground water into the

Brookhurst subdivision from Sinclair's LARCO facility and also mitigating the existing ground water contamination that is present in the Brookhurst subdivision which may be attributed to LARCO's activities. The IM Work Plan shall also ensure that the Interim Measures are consistent with and integrated into any long term solution at the facility to the extent practicable. The IM Workplan shall document the procedures to be used by Sinclair for the implementation of Interim Measures and shall include, but not limited to: the objectives of the Interim Measures; design, construction, operation, monitoring and maintenance requirements; and detailed schedules.

4. In accordance with Attachment I herein, the IM Workplan shall include: Interim Measures Objectives; a Health and Safety Plan; a Public Involvement Plan (Note: this is referenced as the "Community Relations Plan" in the RCRA Corrective Action Interim Measures guidance); a Data Collection Quality Assurance Plan; a Data Management Plan; Design Plans and Specifications; an Operation and Maintenance Plan; a Project Schedule; an Interim Measure Construction Quality Assurance Plan; and Reporting Requirements.

5. In the event Sinclair identifies a new or previously unidentified actual or perceived threat to human health and/or the environment, Sinclair shall immediately notify EPA orally within twenty-four (24) hours and in writing within seven (7) calendar days of the actual or perceived threat. The notification(s) shall summarize the immediacy and magnitude of the threat to human health or the environment. Within thirty (30) calendar days of notifying EPA, Sinclair shall submit to EPA a plan for approval that identifies additional Interim Measures to mitigate the threat. These additional Interim Measures shall be consistent with and integrated into any long-term solution at the Facility.

RCRA FACILITY INVESTIGATION (RFI)

6. Within sixty (60) calendar days of the effective date of this Order, Sinclair shall submit to EPA a Workplan for a RCRA Facility Investigation ("RFI Workplan"). The RFI Workplan shall be submitted to EPA for approval. Upon approval, the RFI shall be performed in a manner consistent with the RFI Scope of Work contained in Attachment II. Attachment II to this Order is incorporated by reference as if fully set forth herein. The RFI Workplan shall be developed in accordance with, at a minimum, RCRA, its implementing regulations, and relevant EPA guidance documents. Relevant EPA guidance documents may include, but are not limited to: "Draft RCRA Facility Investigation (RFI) Guidance" (EPA 530/SW-87-001, July 1987), "RCRA Ground Water Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), and "RCRA Corrective Action Plan" (OSWER Directive 9902.3, June 1988).

7. The RFI Workplan shall be designed to define the presence, magnitude, extent, direction, and rate of movement of any hazardous wastes or hazardous constituents within and beyond the Facility boundary. The RFI Workplan shall document the procedure Sinclair shall use to conduct those investigations necessary to: (1) characterize the potential pathways of contaminant migration; (2) identify all solid waste management units (SWMUs) and characterize the source(s) of contamination; (3) define the degree and extent of contamination; (4) identify actual or potential receptors; and (5) support the development of alternatives from which a corrective measure will be selected by EPA. A specific schedule for implementation of all RFI activities shall be included in the RFI Workplan, and shall include submission of progress reports, and a draft and final RFI report.

8. In accordance with the provisions of Attachment II herein, the RFI Workplan shall include at a minimum: (1) a Project Management Plan; (2) a Data Collection Quality Assurance Plan; (3) a Data Management Plan; (4) a Health and Safety Plan; and (5) a Public Involvement Plan (Note: this is referenced as the "Community Relations Plan" in the RCRA Corrective Action Plan).

CORRECTIVE MEASURES STUDY (CMS)

9. Within thirty (30) calendar days after EPA's acceptance of the final RFI report, Sinclair shall submit to EPA a plan for a Corrective Measure Study (the "CMS Workplan"). The CMS Workplan and activities conducted pursuant to this Order are subject to approval by EPA and shall be performed in a manner consistent with the scope of work contained in Attachment III. Attachment III to this Order is incorporated by reference as if fully set forth herein. The CMS Workplan shall be developed in accordance with, at a minimum, "RCRA Corrective Action Plan," (OSWER Directive 9902.3, June 1988), RCRA, and its implementing regulations. The draft report on the corrective measures study shall be submitted within ninety (90) calendar days of receiving EPA approval of the CMS Workplan. The CMS Workplan shall include explicit detailed tasks explaining how Sinclair will develop and evaluate the corrective action alternative or alternatives and to recommend the corrective measure or measures to be taken by Sinclair that will achieve the necessary level of cleanup to protect human health and/or the environment. The CMS Workplan shall include a specific schedule for implementation of all activities described in the CMS Workplan including draft and final CMS reports.

CORRECTIVE MEASURES IMPLEMENTATION (CMI)

10. Within thirty (30) calendar days of Sinclair's receipt of notification of EPA's selection of the corrective measure, based on the final CMS report, Sinclair shall submit to EPA a Corrective Measures Implementation Workplan ("CMI Program Plan"). The CMI Program Plan is subject to approval by EPA and shall be performed in a manner consistent with the CMI Scope of Work contained in Attachment IV. Attachment IV to this Order is incorporated by reference as if fully set forth herein. The CMI Program Plan shall be developed in accordance with, at a minimum, RCRA, its implementing regulations, and relevant EPA guidance documents. Relevant EPA guidance documents may include, but is not limited to: "RCRA Corrective Action Plan" (OSWER Directive 9902.3, November 1986).

11. The CMI Program Plan shall be designed to facilitate the design, construction, operation, maintenance and monitoring of corrective measures at the Facility. In accordance with Attachment IV herein, the CMI Program Plan shall also include at a minimum: (1) a Project Management Plan; (2) a Community Relations Plan; (3) a Design Plans and Specifications; (4) an Operation and Maintenance Plan; (5) a Cost Estimate; (6) a Project Schedule; (7) a Health and Safety Plan; and (8) a Construction Quality Assurance Plan.

SUBMISSIONS/AGENCY APPROVAL/ADDITIONAL WORK

12a. EPA shall review the proposed Workplans and inform Sinclair in writing of its approval or disapproval of the Workplan or any part thereof. In the event of any disapproval, the writing shall specify the reasons for disapproval and any recommended modifications. Within ten (10) calendar days of receipt of such disapproval, Sinclair may request a meeting to attempt to resolve the dispute. Within thirty (30) calendar days of this meeting (if requested) or the receipt of EPA's disapproval of any Workplan, whichever is later, Sinclair shall amend, making the changes to the Workplan required by EPA, and resubmit the Workplan. In the event of subsequent disapproval of any Workplan, EPA retains the right to modify the Workplan or to take other appropriate action pursuant to its authority under CERCLA, RCRA, or other applicable statutes or legal theories. Any EPA approved Workplan shall be incorporated into this Order.

12b. Within thirty (30) calendar days of approval or modification by EPA of any Workplan(s) or Program Plan, Sinclair shall commence work and implement the tasks required by the Workplan(s) or Program Plan submitted pursuant to the Scope(s) of Work contained in Attachments I, II, III, and IV, in accordance with the standards, specifications and schedule stated in the Workplan(s) or Program Plan as approved or modified by EPA.

13. Beginning with the month following the effective date of this Order, Sinclair shall provide EPA with progress reports for each month by the tenth calendar day of the following month. At a minimum, these progress reports shall: (1) describe the actions which have been taken toward achieving compliance with this Order; (2) identify any problem areas in complying with the Order; (3) include the results of sampling, tests, all raw data, and other data gathered pursuant to the work plan; and (4) describe all plans and procedures completed during the past month, as well as the actions which are scheduled for the next month.

14. Sinclair shall provide draft and final Interim Measures, RCRA Facility Investigation, Corrective Measure Study and Corrective Measures Implementation reports to EPA in accordance with the schedule contained in this Order and its attachments.

15. EPA will review all draft or final reports and notify Sinclair in writing of EPA's approval/disapproval or modification of the report, or any part thereof. In the event of any disapproval, EPA shall specify in writing the deficiencies and reasons for such disapproval. Within fourteen (14) calendar days of receipt of such disapproval, Sinclair may request a meeting to attempt to resolve the dispute. Within fourteen (14) calendar days of the date of the meeting, if requested, or the receipt of EPA's disapproval, whichever is later, Sinclair shall amend and resubmit a revised report. In the event of subsequent disapproval, EPA retains the right to amend the report, to perform additional studies, or to take any other appropriate action pursuant to its authority under CERCLA, RCRA, or other applicable statutes or laws. EPA approved reports shall be deemed incorporated into and part of this Order.

16. Two (2) copies of all documents, including Workplan(s), Program Plan(s), preliminary and final reports, progress reports, and other correspondence to be submitted pursuant to this Order shall be hand delivered or sent by certified mail, return receipt requested, to both EPA and the State of Wyoming pursuant to Section XIII of this Order.

17. All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or geologist with expertise in hazardous waste site cleanup. Sinclair shall notify EPA in writing of the name, title, and qualifications of the engineer or geologist, and of any contractors or subcontractors and their personnel to be used in carrying out the terms of this Order within thirty (30) calendar days of the effective date of this Order.

18. EPA may determine that certain tasks, including investigation work or engineering evaluation, are necessary in addition to the tasks and deliverables included in the IM Workplan, the RFI Workplan, the CMS Workplan and/or the CMI Program Plan when new information indicates that such additional work is necessary. EPA will request in writing that Sinclair perform the additional work in this situation and shall specify the basis and reasons for EPA's determination that the additional work is necessary. Within fourteen (14) calendar days after the receipt of such request, Sinclair may request a meeting with EPA to discuss the additional work. Thereafter, Sinclair shall perform the additional work EPA has requested according to an EPA approved Workplan. If Sinclair declines to undertake some or all of the additional work, EPA retains the right to undertake the work or to take any other appropriate action under the authority of CERCLA, RCRA, or other applicable statutes or laws. All additional work performed by Sinclair under this paragraph shall be performed in a manner consistent with this Order. The final IM/RFI/CMS reports to be presented for public comment pursuant to Section VIII of this Order, shall consist of the final reports called for in the work plans, plus any reports related to additional work performed by EPA or Sinclair.

VII. QUALITY ASSURANCE

Throughout all sample collection and analysis activities, Sinclair shall use EPA-approved quality assurance, quality control, and chain-of-custody procedures as specified in the approved Workplans and Program Plans. In addition, Sinclair shall:

1. Ensure that laboratories used by Sinclair for analyses perform such analyses according to the EPA methods included in "Test Methods for Evaluating Solid Waste" (SW-846), 3rd edition, or other methods deemed satisfactory to EPA. If methods other than EPA methods are to be used, Sinclair shall submit all protocols to be used for analyses to EPA for approval fourteen (14) calendar days prior to the commencement of analyses.

2. Ensure that laboratories used by Sinclair for analyses participate in a quality assurance/quality control program equivalent to that which is followed by EPA. As part of such a program, and upon request by EPA, such laboratories shall perform analyses of samples provided by EPA to demonstrate the quality of the analytical data.

3. Inform the EPA seven (7) calendar days in advance which laboratories will be used by Sinclair and ensure that EPA personnel and EPA authorized representatives have reasonable access to the laboratories and personnel used for analyses.

4. Use the EPA guidance documents to evaluate all data to be used in the proposed plans required by Section VI of this Order. This evaluation shall be provided to EPA as part of the Plans required by Section VI of this Order, and shall be updated as required by EPA.

VIII. PUBLIC COMMENT AND PARTICIPATION

1. Upon approval of EPA of a Corrective Measure Study Final Report, EPA shall make the Interim Measures Final Report, the RCRA Facility Investigation Final Report (or summary of report), and the Corrective Measure Study Final Report (or summary of report) and a summary of EPA's proposed corrective measure and EPA's justification for proposing selection of that corrective measure available to the public for review and comment for at least twenty-one (21) calendar days.

2. Following the public review and comment period, EPA will notify Sinclair of the corrective measure selected by EPA. If the corrective measure recommended in the Corrective Measure Study Final Report is not the corrective measure selected by EPA after consideration of public comments, EPA will inform Sinclair in writing of the reasons for such decision, and Sinclair shall modify the RFI/CMS as directed to do so by EPA, and commence the CMI phase as required.

3. The Administrative Record supporting the selection of the corrective measure will be available for public review at the EPA Region VIII offices during normal business hours. Hazardous Waste Management Division, EPA Region VIII, 999-18th Street, Denver, Colorado from 8 a.m. to 5 p.m., regular business days.

IX. ON-SITE AND OFF-SITE ACCESS

1. EPA and/or any EPA representative are authorized pursuant to Section 3007 of RCRA to enter and freely move about all property at the Facility during the effective dates of this Order for the purposes of, inter alia: interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts related to the Facility's compliance with this Order; reviewing the progress of Sinclair in carrying out the terms of this Order; conducting such tests, sampling or monitoring as EPA or its Project coordinator deem necessary; using a camera, or other documentary type equipment; and verifying the reports and data submitted to EPA by Sinclair. Sinclair shall permit such persons to inspect and copy all records, files, photographs, documents, and other writings, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order. Sinclair shall comply with all approved health and safety plans.

2. To the extent that work required by this Order, or by any approved Program Plans or Workplans prepared pursuant hereto, must be done on property not owned or controlled by Sinclair, Sinclair shall use its best efforts to obtain site access agreements from the present owner(s) of such property within fifteen (15) calendar days of approval of any Workplan for which site access is required. Best efforts as used in this paragraph shall include, at a minimum, a certified letter from Sinclair to the present owners of such property requesting access agreements to permit Sinclair and EPA and its authorized representatives to access such property. Any such access agreement shall be incorporated by reference into this Order. In the event that agreements for access are not obtained within thirty (30) calendar days of EPA approval, Sinclair shall notify EPA in writing within seven (7) calendar days thereafter regarding both the efforts undertaken to obtain access and its failure to obtain such agreements. In the event EPA obtains access, Sinclair shall undertake EPA approved work on such property.

3. Nothing in this section limits or otherwise affects EPA's rights of access and entry pursuant to applicable law, including RCRA and CERCLA.

X. SAMPLING AND DATA/DOCUMENT AVAILABILITY

1. Sinclair shall submit to EPA the results of all sampling and/or tests and all other data generated by, or on behalf of Sinclair, in accordance with the requirements of this Order and its attachments.

2. Sinclair shall notify EPA at least seven (7) calendar days before engaging in any field activities, such as well drilling, installation of equipment, or sampling. At the request of EPA, Sinclair shall provide or allow EPA or its authorized representative to take split samples of all samples collected by Sinclair pursuant to this Order.

3. Sinclair may assert a business confidentiality claim covering all or part of any information submitted to EPA pursuant to this Order. Any assertion of confidentiality shall be adequately substantiated by Sinclair when the assertion is made. Information determined to be confidential by EPA shall be disclosed only to the extent permitted by 40 CFR Part 2. If no such confidentiality claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Sinclair. Physical or analytical data or other data documenting contamination shall not be deemed confidential.

XI. RECORD PRESERVATION

Sinclair shall preserve, during the pendency of this Order and for a minimum of six (6) years after its termination, all data, records and documents in its possession or in the possession of its divisions, officers, directors, employees, agents, contractors, successors and assigns which relate in any way to this Order or to hazardous waste management and/or disposal at the Facility. After six (6) years, Sinclair shall make such records available to EPA for inspection or shall provide copies of any such records to EPA. Sinclair shall notify EPA thirty (30) calendar days prior to the destruction of any such records, and shall provide EPA with the opportunity to take possession of any such records.

XII. PROJECT COORDINATOR

1. On or before the effective date of this Order, Sinclair shall designate a Project Coordinator. Sinclair shall notify EPA in writing of the Project Coordinator it has selected. The Project Coordinator shall oversee the implementation of this Order.

2. Sinclair shall provide EPA at least seven (7) calendar days written notice prior to changing Project Coordinators.

3. If EPA determines that activities in compliance or noncompliance with this Order, have caused or may cause a release of hazardous waste, hazardous constituent, or a pollutant or contaminant, or a threat to human health or the environment or that Sinclair is not capable of undertaking any studies or corrective measures ordered, EPA may order Sinclair to stop further implementation of this Order for such period of time as EPA determines may be needed to abate any such release or threat and/or to undertake any action which EPA determines is necessary to abate such release or threat.

4. The absence of the Project Coordinator from the Facility shall not be cause for the stoppage of work.

XIII. NOTIFICATION

Unless otherwise specified, Sinclair shall send two (2) copies of all written reports, Workplans, correspondence, approvals, disapprovals, notices or other submissions relating to or required under this Order to each of the following addressees:

Mr. Terry Anderson, Chief
Wyoming/South Dakota Section
RCRA Implementation Branch
U.S. EPA, Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2405

and

Mr. David Finley
Solid Waste Program
Wyoming Department of
Environmental Quality
Herschler Buidling
4th Floor West 25th Street
Cheyenne, WY 82002

XIV. PENALTIES FOR NONCOMPLIANCE

If Sinclair fails to comply with the terms and provisions of this Order, EPA may commence a civil action to require compliance and to assess a civil penalty not to exceed \$25,000 for each day of non-compliance and/or issue another Administrative order for each instance of non-compliance and for assessing penalties.

XV. RESERVATION OF RIGHTS

1. EPA expressly reserves all rights and defenses that it may have, including the right both to disapprove of work performed by Sinclair pursuant to this Order and to request that Sinclair perform tasks in addition to those stated in the Scope(s) of Work, Work Plans, and Program Plan.

2. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Sinclair's failure to comply with any of the requirements of this Order, including without limitation to the assessment of penalties under Section 3008(h) of RCRA, 42 U.S.C. §6928(h)(2). This Order shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers and/or authorities, civil or criminal, which EPA has under RCRA, CERCLA, or any other statutory, regulatory or common law enforcement authority of the United States.

3. Compliance by Sinclair with the terms of this Order shall not relieve Sinclair of its obligations to comply with RCRA or any other applicable local, state or federal laws and regulations.

4. This Order shall not limit or otherwise preclude the Agency from taking additional enforcement action pursuant to Section 3008(h) of RCRA or other available legal authorities should the Agency determine that such actions are warranted.

5. This Order is not intended to be nor shall it be construed as a permit. This Order does not relieve Sinclair of any obligation to obtain and comply with any local, state or federal permits.

6. EPA reserves the right to perform any portion of the work herein or any additional site characterization, feasibility study and response/corrective actions as it deems necessary to protect human health and the environment. EPA may exercise its authority under CERCLA to undertake removal actions or remedial actions at any time. In any event, EPA reserves its right to seek reimbursement from Sinclair for such additional costs incurred by the United States. Notwithstanding compliance with the terms of this Order, Sinclair is not released from liability, if any, for the costs of any response actions taken or authorized by EPA.

XVI. OTHER CLAIMS

Nothing in this Order shall constitute or be construed as a release from any claim, cause or action or demand in law or equity against any person, firm, partnership, or corporation for any liability it may have arising out of or relating in any way to other generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

XVII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. Sinclair shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

Nothing in this Order precludes the State of Wyoming from exercising its authorities under the Wyoming Environmental Quality Act (Laws 1973, ch.250. Sec. 1), and /or any other applicable state laws and regulations.

XVIII. INDEMNIFICATION OF THE UNITED STATES GOVERNMENT

Sinclair shall indemnify and save and hold harmless the United States Government, its agencies, departments, agents, and employees, from any and all claims or causes of action arising from or on account of acts or omissions of Sinclair or its agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Order. The United States Government shall not be held out or construed to be a party to any contract entered into by Sinclair in carrying out activities pursuant to this Order.

EPA shall not be liable for any injury or damages to persons or property resulting from acts or omissions of Sinclair or its contractor(s) in implementing the requirements of this Order, or any EPA-approved worked plans or planning documents submitted pursuant to this Order. EPA shall not be considered a party to any contract entered into by Sinclair for purposes of implementaiton this Order.

XIX. FINANCIAL RESPONSIBILITY

1. Within thirty (30) calendar calendar days of receipt of written EPA approval for each of the IM/RFI/CMS/CMI Workplans, Sinclair shall provide financial assurance using one or more of the mechanisms allowable under 40 C.F.R. §264.143, in an amount equal to 150% of the total of all cost estimates in the IM/RFI/CMS/CMI Work Plans.

2. The purpose of the financial assurance mechanism is to guarantee performance of and payment for the IM/RFI/CMS/CMI activities in accordance with the terms and conditions of this Order.

XX. SUBSEQUENT MODIFICATION

1. This Order may be amended by EPA. Such amendments shall be in writing, shall have as their effective date on which they are signed by EPA, and shall be incorporated into this Order.

2. Any reports, plans, specifications, schedules, and attachments required by this Order are, upon written approval by EPA, incorporated into this Order. Any noncompliance with such EPA approved report, plans, specifications, schedules, and attachments shall be considered a violation of this Order and shall subject Sinclair to the statutory penalty provisions referenced in Section XIV of this Order.

3. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by Sinclair will be construed as relieving Sinclair of its obligation to obtain written approval, if and when required by this Order.

XXI. SEVERABILITY

If any provision or authority of this Order or the application of this Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order shall remain in force and shall not be affected thereby.

XXII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

In accordance with Section 3008(b) of RCRA, 42 U.S.C. §6928(b), the Order shall become final unless Sinclair files a response and requests a public hearing in writing no later than (30) calendar days after service of the Order and Notice of Opportunity for Hearing. The administrative hearing procedures are discussed in the April 13, 1988, Federal Register.

(a) The response and request for hearing must be filed with:

Regional Hearing Clerk
U.S. EPA Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2405

A copy of the response and request for hearing and copies of all subsequent documents filed in this action must be sent to Office of Regional Counsel, at the same address. The response must specify each factual or legal determination or relief provision in the Order Sinclair disputes and shall specify the basis upon which it disputes such determination or provision. The response should also include any proposals for modification of the Order. Any hearings on the order will be conducted in accordance with the provisions as specified in 40 C.F.R. Part 24.

This Order, in part, directs Sinclair to undertake Interim Measures, a RCRA Facility Investigation (RFI), and a Corrective Measures Study, which includes monitoring, surveys, testing, information gathering, analyses, and studies (including studies designed to develop recommendations for appropriate corrective measures); therefore, according to 40 Part C.F.R. §24.08, the appropriate hearing procedure is that set forth in Subpart B. Sinclair may include with its response to the Order and request for a hearing, a statement indicating whether it believes the Subpart C hearing procedures should be employed for the requested hearing and the reason(s) therefore.

(b) If Sinclair fails to file a response and request for hearing within thirty (30) calendar days after service of the Order, Sinclair will be deemed to have waived its right a hearing and the Order will become final.

(c) The administrative record supporting the issuance of this Order is available for review during normal business hours in the EPA Region VIII offices.

XXIII. SETTLEMENT CONFERENCE

Whether or not Sinclair requests a hearing, an informal conference may be requested in order to discuss the facts of this case and to arrive at settlement. To request an informal conference contact:

Mr. Terry Anderson, Chief
Wyoming/South Dakota Section
RCRA Implementation Branch
U.S. EPA, Region VIII
Denver Place
999 18th Street, Suite 500
Denver, CO 80202-2405
(303) 293-1800

A request for an informal conference does not extend the thirty (30) day period during which a written response and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the public adjudicatory hearing procedure.

XXIV. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Sinclair's receipt of written notice from EPA that Sinclair has demonstrated, to the satisfaction of EPA, that the terms of this Order, including any additional tasks determined by EPA to be

required pursuant to this Order, but not including any continuing obligation or promises (e.g., record retention) have been satisfactorily completed.

XXV. SURVIVABILITY/PERMIT INTEGRATION

1. Subsequent to the issuance of this Order, a RCRA permit may be issued to the facility incorporating the requirements of this Order by reference into the permit.

2. Any requirements of this Order shall not terminate upon the issuance of a RCRA permit unless the requirements are expressly replaced by more stringent requirements in the permit.

XXVI. EFFECTIVE DATE

This Order shall become final and effective thirty (30) calendar days after it is served unless Sinclair requests a hearing pursuant to RCRA Section 3008(b), 42 U.S.C. §6928(b).

IT IS SO ORDERED:

BY: 

Robert L. Duprey, Director
Hazardous Waste Management Division

DEC 1 1983

Date

Effective Date:

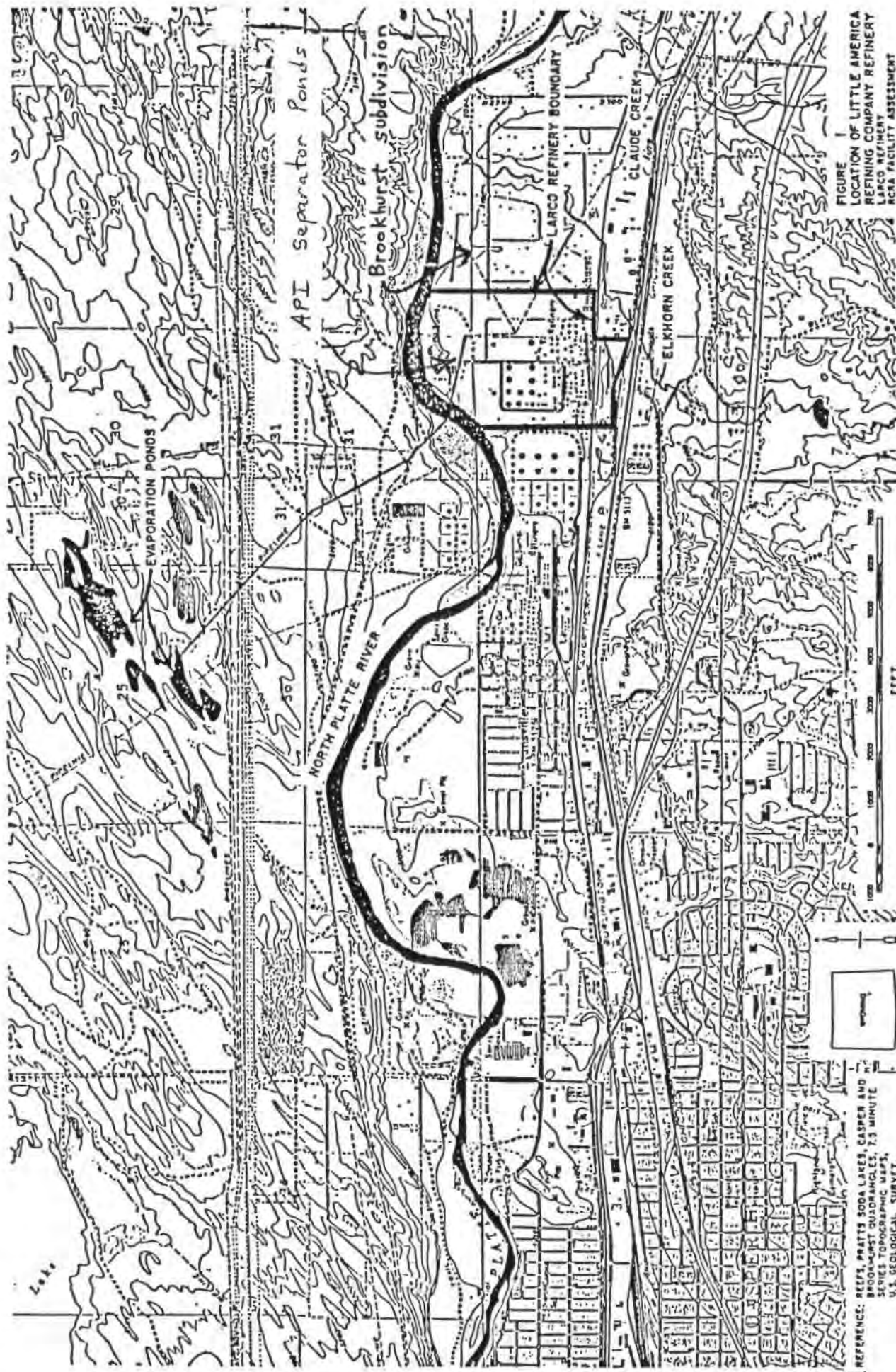


FIGURE 1
LOCATION OF LITTLE AMERICA
REFINING COMPANY REFINERY
LARCO REFINERY
NCSA FACILITY ASSESSMENT

REFERENCE: REEF, PRATT'S SODA LAKES, CASPER AND
BROOKHURST QUADRANGLES, 7.5 MINUTE
SERIES TOPOGRAPHIC MAPS,
U.S. GEOLOGICAL SURVEY.

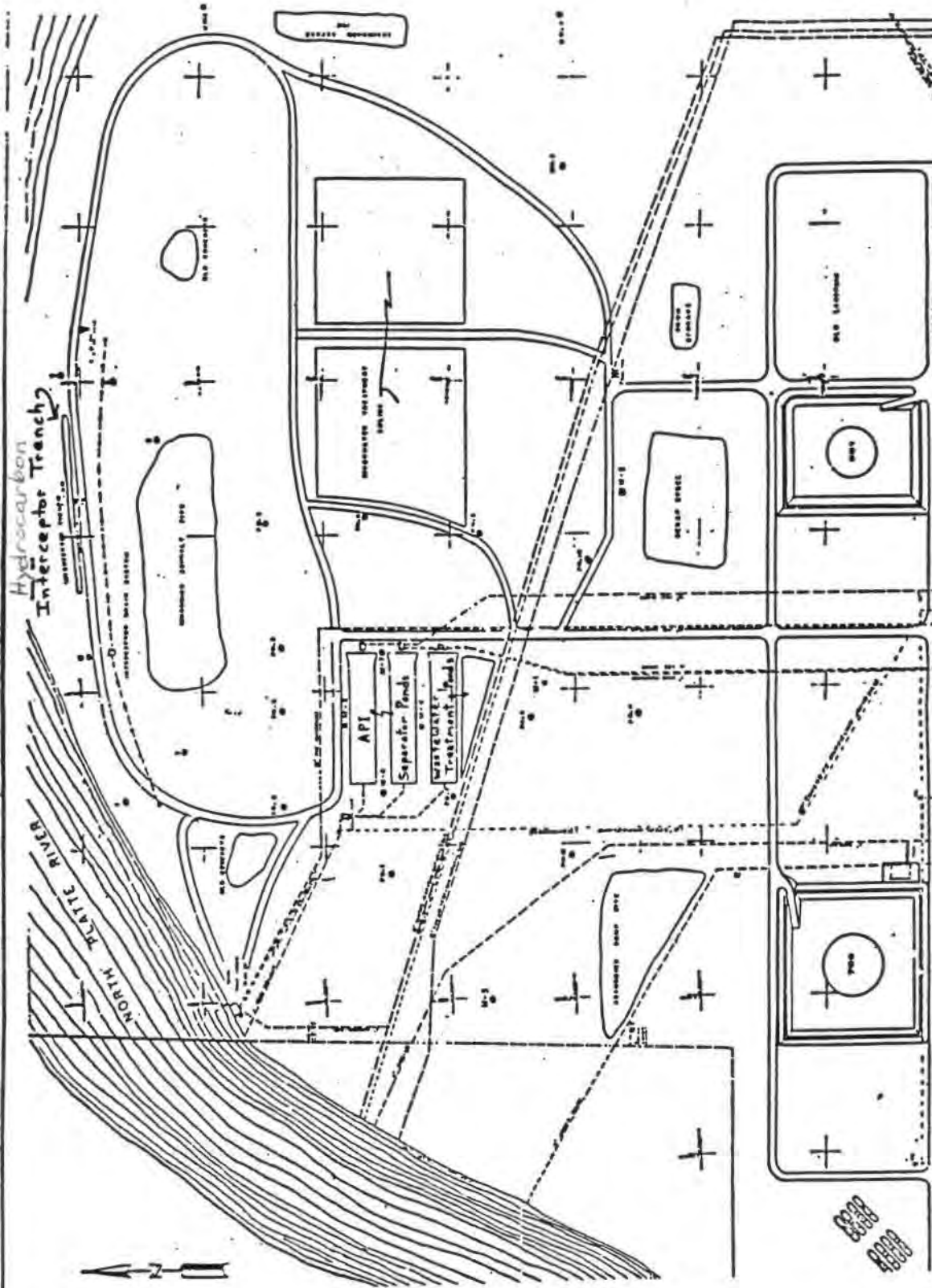
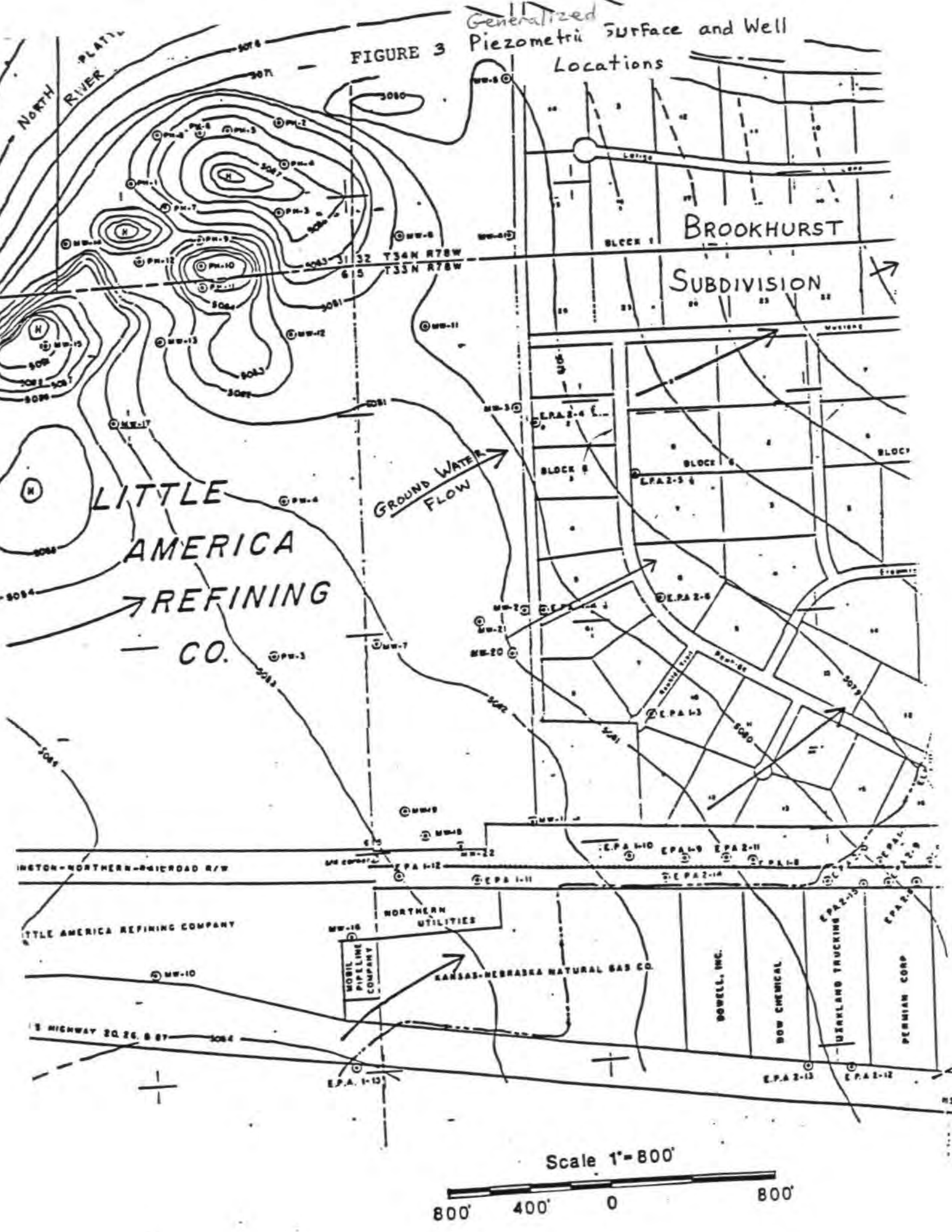


FIGURE 2
SELECTED
SOLID WASTE MANAGEMENT UNIT LOCATOR
MAP
LITTLE AMERICA REFINERY



Toxicology References

Casarett and Doull's "Toxicology", The Basic Science of Poisons, Third Edition, Macmillan Publishing Company, New York, 1986.

Sittig, M., "Handbook of Toxic and Hazardous Chemicals", Noyes Publications, New Jersey, 1981.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the attached Unilateral Section 3008(h) Administrative Order were hand-carried to the Regional Hearing Clerk, EPA Region VIII, 999-18th Street, Denver, Colorado and that a true copy of the same was sent, certified mail, return receipt requested to:

Mr. M.D. Ensign
550 E South Temple
Salt Lake City, Utah 84130

Dec. 1, 1988
Dated

Judith M. McTernan
Judith M. McTernan